

Entered on Docket May. 16, 2005

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2 McCarthy & Holthus, LLP  
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4 Phone (206) 749-0260  
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The Honorable Philip H. Brandt  
Chapter 13  
Location: Tacoma, WA  
Hearing Date & Time: 4/26/05 @ 1:30p.m.  
Response Deadline: 4/11/05

Attorney for Movant  
CENTEX HOME EQUITY, its assignees and/or successors

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

In re: ) Case No. 05-40010-PHB  
Donald Francis Miller, )  
Debtor(s). ) Chapter 13  
 )  
 ) **STIPULATION VACATING ORDER**  
 ) **TERMINATING AUTOMATIC STAY** for  
 ) **Real Property at: 5022 South L Street,**  
 ) **Tacoma, WA 98408**  
 )

This Stipulation is entered into by and between the Secured Creditor, Centex Home Equity, its assignees and/or successors (hereinafter "Creditor"), by and through its attorneys of record, Katharine McCormick, Esq. for McCarthy & Holthus, LLP, and the Debtor, Donald Francis Miller (hereinafter "Debtor"), by and through his attorney of record, Dallas W. Jolley, Esq.

This Stipulation pertains to real property commonly known as 5022 South L. Street, Tacoma, WA 98408 and is more particularly described as:

LOT 10, 11, AND 12 IN BLOCK 4628 OF SOUTH SIDE ADDITION TO TACOMA,  
ACCORDING TO PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE 54, IN  
PIERCE COUNTY, WASHINGTON.

**THE PARTIES STIPULATE AS FOLLOWS:**

1. The Order Terminating the Automatic Stay entered 4/15/2005 is hereby vacated (see Exhibit "A").

**Stipulation Vacating Order Terminating the Automatic Stay / Certificate of Mailing  
File No.05-2160 /Case No.05-40010-PHB**

1           2. Creditor's Motion for Relief from the Automatic Stay filed March 17, 2005 will be  
2 reserved electronically and via U.S. mail and the matter will be re-noted to the Court's calendar  
3 for further consideration.

Dated: May 10, 2005

/s/ Katharine McCormick

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Katharine McCormick, WSBA #35965  
Attorney for Movant

7 Dated: \_\_\_\_\_

/s/ Dallas W. Jolley, Esq.

Dallas W. Jolley, Esq.  
Attorney for Debtor

## ORDER

The parties hereto, having stipulated, are bound by the terms of this Stipulation and this Stipulation shall become an Order of this Court.

DATED: 16 May 2005

PHB-4

JUDGE OF THE UNITED STATES  
BANKRUPTCY COURT

Entered on Docket Apr. 15, 2005

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5 Attorney for Movant  
6 CENTEX HOME EQUITY, its assignees and/or successors

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7 UNITED STATES BANKRUPTCY COURT

8 WESTERN DISTRICT OF WASHINGTON

9 TACOMA DIVISION

10 In re: ) Case No. 05-40010-PHB  
11 )  
12 Donald Francis Miller, ) Chapter 13  
13 Debtor(s). )  
14 ) **ORDER TERMINATING**  
15 ) **AUTOMATIC STAY for Real Property at:**  
16 ) **5022 South L Street, Tacoma, WA 98408**  
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The motion for relief from the automatic stay of Movant, CENTEX HOME EQUITY, its successors and/or assigns, ("Movant"), came on regularly for hearing before this Court on the date, time and place set forth above, before the Honorable Philip H. Brandt, Judge presiding.

Upon reading the papers and pleadings on file herein, and based on the evidence presented, the Court rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the automatic stay provisions of 11 U.S.C. § 362 be and are hereby terminated with respect to the interests of Movant in the real property commonly known as 5022 South L Street, Tacoma, WA 98408.

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1  
2 IT IS FURTHER ORDERED that Movant may complete its foreclosure of said real  
3 property and proceed with post-foreclosure remedies, including any unlawful detainer action, in  
4 accordance with applicable law.  
5

6 IT IS FURTHER ORDERED that the ten day stay provided by Bankruptcy Rule  
7 4001(a)(3) is waived.  
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9 Dated: April 15, 2005



10  
11 Honorable Philip H. Brandt  
12 United States Bankruptcy Court Judge  
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Presented By:

/s/ Katharine McCormick, Esq.  
15 Katrina E. Glogowski, Esq., WSBA #27483  
16 Katharine McCormick, Esq., WSBA #35965  
17 Attorney for Movant  
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